

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 19-0519

SAFEHOUSE, a Pennsylvania nonprofit
corporation;

JOSE BENITEZ, as President and
Treasurer of Safehouse,

Defendants.

SAFEHOUSE, a Pennsylvania nonprofit
corporation,

Counterclaim Plaintiff,

v.

UNITED STATES OF AMERICA,

Counterclaim Defendant,

and

U.S. DEPARTMENT OF JUSTICE; WILLIAM
P. BARR, in his official capacity as
Attorney General of the United States; and
WILLIAM M. McSWAIN, in his official
capacity as U.S. Attorney for the Eastern
District of Pennsylvania,

Third-Party Defendants.

THE PARTIES' STIPULATION OF FACTS

1. According to its website, Safehouse "seeks to open the first 'safe injection site' in the U.S." in the City of Philadelphia and "is a privately funded, 501(c)(3) tax-exempt, Pennsylvania nonprofit corporation whose mission is to save lives by providing a range of overdose prevention services." According to Safehouse, the overdose prevention

services it intends to offer are aimed at preventing the spread of disease, administering medical care, and encouraging drug users to enter treatment.

2. "Consumption" means the use, *e.g.*, via injection, oral ingestion, and/or nasal inhalation of illegal drugs including without limitation heroin and fentanyl.
3. Safehouse staff members will supervise participants' consumption and, if necessary, intervene with medical care, including reversal agents to prevent fatal overdose.
4. Jose Benitez is Safehouse's president and treasurer. He is also the executive director of Prevention Point Philadelphia (PPP).
5. PPP has been in operation for over 27 years. PPP offers clean syringe exchange services, primary medical care, an HIV clinic, a Hepatitis C clinic, wound care and education on safer injection techniques, overdose prevention education, overdose reversal kits and distribution, housing, meals, mail services, Medication-Assisted Treatment, and drug recovery and treatment services. PPP does not permit the use of controlled substances at its facility.
6. Safehouse plans to offer the same services that PPP currently provides. The only difference between what PPP currently offers and what Safehouse would offer is that Safehouse would allow participants to use its supervised consumption and observation rooms in which participants may engage in consumption and may remain under the supervision of Safehouse staff.
7. According to Safehouse's medical protocol, when a participant arrives at Safehouse, the first step is a registration process.
8. Safehouse intends to ask each participant to provide certain personal information and undergo a brief physical and behavioral health assessment.
9. Safehouse intends to offer each participant its services, which include use of supervised drug consumption and observation rooms, medical services, including wound care, on-site initiation of Medication-Assisted Treatment, recovery counseling, HIV and HCV counseling, testing and treatment, referral to primary care, and referrals to social services, legal services and housing opportunities. Safehouse intends to encourage every participant to enter drug treatment, which will include an offer to commence treatment immediately.
10. There is nothing in the medical protocol that suggests Safehouse will specifically caution against drug usage.
11. Safehouse participants may request access to all services, including the consumption room.

12. Safehouse plans to offer participants fentanyl test strips to test for the presence of fentanyl in their drugs.
13. Each Safehouse participant may be assigned an individual station where they may consume self-obtained drugs, including by injection, under the supervision of Safehouse staff.
14. "Safehouse [will] offer[] supervised consumption of self-obtained drugs that have the potential to cause serious adverse medical events for people who continue to use these drugs despite their known risks." *See* Safehouse Medical Protocol.
15. Safehouse staff will be directed not to provide, administer, or dispense any controlled substances, and Safehouse intends that its staff will not handle controlled substances.
16. Safehouse personnel will be available to advise participants on sterile injection techniques.
17. Safehouse staff members will supervise participants' consumption and, if necessary, intervene with medical care, including respiratory support and the administration of overdose reversal agents, such as naloxone.
18. Before leaving the supervised consumption room, Safehouse intends that its participants will safely dispose of used consumption equipment.
19. From the supervised consumption room, Safehouse staff will direct participants to the medically supervised observation room.
20. Safehouse's medical protocol does not require a participant to remain in the observation room for a specified period of time.
21. In the observation room, Safehouse plans to provide certified peer counselors, as well as recovery specialists, social workers, and case managers to offer services and encourage treatment. Safehouse plans to offer the same services to participants again at check out.
22. Safehouse believes that supervised consumption aids potential treatment in that its participants are more likely to engage in counseling and accept offers of medical care after they have consumed drugs and are not experiencing withdrawal symptoms.
23. Safehouse imposes no limits on the number of times that participants may use the consumption room and does not require participants to enter treatment or accept a treatment referral as a condition of using the consumption room.

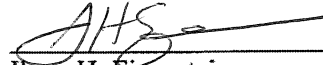
24. If the Court were to enter a declaratory judgment in its favor, Safehouse plans to open at least one facility in Philadelphia as soon as possible.

WILLIAM M. McSWAIN
United States Attorney


GREGORY B. DAVID

Assistant United States Attorney
Chief, Civil Division
615 Chestnut Street
Philadelphia, PA 19123
Attorneys for the United States

DLA PIPER LLP (US)



Ilana H. Eisenstein
ilana.eisenstein@dlapiper.com
One Liberty Place
1650 Market Street, Suite 5000
Philadelphia, Pennsylvania 19103-7300
Attorneys for Safehouse and Jose Benitez